

Remarks

This Reply should be entered after Final Rejection because it places the claims in allowable form and/or reduces the issues for Appeal.

Reconsideration of this Application is respectfully requested.

Claims 1-11 and 27 are pending, with claim 1 being the sole independent claim. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the use of “substantially” before “rigid substrate.” The Examiner has not pointed out any evidence that a person skilled in the art would be confused by or find this phrase vague. *See*, MPEP Sections 2173.05(a) and 2173.05(d), pages 2100-208 to 2100-209. Also, in a search of the US PTO Online database, 9884 patents included claims with the feature “substantially rigid,” including 75 patents including the exact feature “substantially rigid substrate” in their claims. Thus, based on at least presumptively valid claims that included this feature, Applicants disagree with the Examiner’s rejection and ask the Examiner to reconsider and withdraw the rejection.

Rejections under 35 U.S.C. § 102(b) and 103(a)

Claims 1, 2, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,249,370 to Takeuchi et. al. (“Takeuchi”). Claims 3-5, 7, 8, 11, and 27 were rejected under 35 U.S.C. § 103(a) (“103”) as being unpatentable over Takeuchi in view of U.S. Patent No. 6,549,694 to Makino et al. (“Makino”). Claim 6 was rejected under 103 as being unpatentable over Takeuchi in view of U.S. Patent No. 6,639,722 to Amm et al. (“Amm”). Applicant respectfully traverses these rejections.

Claim 1 recites at least a solid and substantially rigid substrate.

The Examiner asserts this is met by element 26 is Takeuchi, which is described as being a vibrating section 26, and is shown to both be straight and to be bent in at least Figures 17-23, 27, and 29. For example, Takeuchi teaches (col. 7, lines 45-48):

The thin-walled portion has a structure which tends to undergo vibration in response to external stress, and it functions as a vibrating section 26. The portion other than the hollow space 24 is thick-walled, and it functions as a fixed section 28 for supporting the vibrating section 26.

Thus, it is clear that Takeuchi uses the term vibrating for vibrating section 26 to allow for moving up and down, i.e., bending, as shown in these figures and described in this text. In contrast, Applicants have used the feature “substantially rigid substrate” to mean, for example, a substrate that is substantially fixed and unmovable, incapable of or resistant to bending, deficient in or devoid of flexibility, characterized by stiffness, as shown in the attached exemplary definitions of rigid from www.dictionary.com.

None of the other applied patents cure this deficiency in Takeushi because, even assuming one or more of the applied patents teaches of a solid substrate, replacing the specific substrate structure taught in Takeushi with a solid substrate would destroy Takeushi’s teachings and make Takeushi’s invention inoperable. This is because Takeushi’s invention requires vibrating section 26 to bend or move up and down to function, as is described throughout the specification of Takeushi.

Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw this rejection and find claim 1 allowable over the applied patents. Also, based at least on their dependency from claim 1, claims 2-8, 10-11, and 27 should also be found allowable over the applied patents.

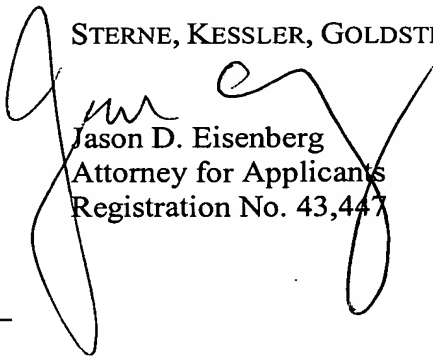
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding final Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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rig·id   **Pronunciation Key** (rĭj'ĭd)
adj.

1. Not flexible or pliant; stiff.
2. Not moving; fixed.
3. Marked by a lack of flexibility; rigorous and exacting:
 "We have watered down a rigid training... until we now have an educational diet in many of our public high schools that nourishes neither the classes nor the masses" (Agnes Meyer).
4. Scrupulously maintained or performed: *rigid discipline*. See Synonyms at [stiff](#).

[Middle English *rigide*, from Latin *rigidus*, from *rigere*, *to be stiff*. See *reig-* in Indo-European Roots.]

rig' id·ly *adv.*

rig' id·ness *n.*

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Source: *The American Heritage® Dictionary of the English Language, Fourth Edition*

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Main Entry: **rig·id**

Pronunciation: 'rij-&d

Function: *adjective*

: deficient in or devoid of flexibility : characterized by stiffness <*rigid* muscles>

Source: *Merriam-Webster's Medical Dictionary*, © 2002
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rigid

adj 1: incapable of or resistant to bending; "a rigid strip of metal"; "a table made of rigid plastic"; "a palace guardsman stiff as a poker" [syn: stiff] 2: incapable of compromise or flexibility [syn: strict] 3: incapable of adapting or changing to meet circumstances; "a rigid disciplinarian"; "an inflexible law"; "an unbending will to dominate" [syn: inflexible, unbending] 4: fixed and unmoving; "with eyes set in a fixed glassy stare"; "his bearded face already has a set hollow look"- Connor Cruise O'Brien; "a face rigid with pain" [syn: fixed, set] 5: designating an airship or dirigible having a form maintained by a stiff unyielding frame or structure [ant: nonrigid]

Source: *WordNet* ® 2.0, © 2003 Princeton University

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vi·brate **Pronunciation Key** (vī'brāt)

v. vi·brat·ed, vi·brat·ing, vi·brates

 v. *intr.*

1. To move back and forth or to and fro, especially rhythmically and rapidly. See Synonyms at [swing](#).
2. To feel a quiver of emotion.
3. To shake or move with or as if with a slight quivering or trembling motion: "Even as the film moved... to the more deadly fields of Vietnam, old hatreds vibrated in me" (Loudon Wainwright).
4. To produce a sound; resonate.
5. To fluctuate or waver in making choices; vacillate.

 v. *tr.*

1. To cause to tremble or quiver.
2. To cause to move back and forth rapidly.
3. To produce (sound) by vibration.

[Latin vibrāre, vibrāt-. See weip- in Indo-European Roots.]

vi'bra·tive or **vi'bra·to'ry** (-brə-tôr'ē, -tôr'ē) *adj.*

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vibrating

adj : moving very rapidly to and fro or up and down; "the vibrating piano strings" [syn: vibratory]

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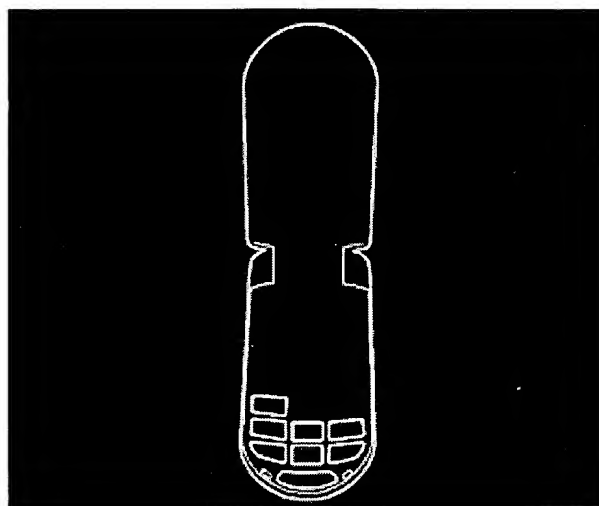
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